

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SIRI DIAZ, CAROLYN SIEGEL, TALIA BUMB, BLERTA VIKKI, DANIELLE OWIMRIN, on behalf of themselves and all others similarly situated,

Plaintiffs,

-against-

SCORES HOLDING COMPANY, INC.; GO WEST ENTERTAINMENT, INC. a/k/a SCORES WEST SIDE; and SCORES ENTERTAINMENT, INC., a/k/a SCORES EAST SIDE.

Defendants.

No. 07-8718 (RMB) 2+3

~~PROPOSED~~ CASE MANAGEMENT PLAN

Supp

2+3

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The following ~~Proposed~~ Case Management Plan is entered after consultation with the parties. This Plan is also a Rule 16 and Rule 26(f) scheduling order as required by the Federal Rules of Civil Procedure.

1. Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, the parties held a conference on November 26, 2007. Rex Burch, Justin M. Swartz, and Tammy Marzagliano attended for Plaintiffs. Jerrold Goldberg and Neil Capobianco attended for Defendants Scores Holding Company, Inc. and Go West Entertainment, Inc., a/k/a Scores West Side. Counsel for Defendant Scores Entertainment Inc., a/k/a Scores East Side has not appeared.

2. The parties agreed that joinder of additional parties (other than any parties who opt in pursuant to 29 U.S.C. §216(b), and amendment of the pleadings, will be completed by January 31, 2008.

3. The parties discussed the nature and basis of their claims and defenses and the possibilities for a prompt settlement. The parties also discussed the subjects on which they

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believe they will require discovery and the arrangements for such discovery. Given that the action is brought as a collective action under 29 U.S.C. §216(b) and a class action under Rule 23 the parties anticipate both discovery as to plaintiffs' class certification issues, defendants' anticipated motion for decertification of an FLSA collective, and the merits of the action. The parties agreed that non-expert discovery related to plaintiffs' motion for class certification and defendants' anticipated motion for decertification of an FLSA collective will be completed by **March 21** *including expert* **May 21, 2008**. The parties further agreed that all other discovery would be completed by **May 21, 2008** *November 10, 2008*.

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4. The parties agreed that private mediation may be appropriate and will revisit the issue after upon review by plaintiffs' counsel of various time and payroll records to be produced by defendants.

5. The parties agreed to exchange the information required by Rule 26(a)(1) of the Fed. R. Civ. Proc. by December 14, 2007.

6. Plaintiffs intend to file a Motion for Court Authorized Notice pursuant to *pursuant to court's individual Rule 9* 29 U.S.C. §216(b) as soon as practicable.

7. The parties agreed that service of documents by email and/or overnight mail is effective service and is complete upon emailing or mailing.

8. By prior stipulation, Defendants' Motion to Dismiss is due on December 21, 2007. The parties agreed that Plaintiffs response to Defendants' Motion to Dismiss is due on January 22, 2008; and Defendants' Reply is due on February 8, 2008.

Sections 9 a through d to be set at the conference with the Court:

9. Motions

a. Joint Pre-trial Order to be submitted by _____

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b. Final Pre-Trial Conference _____

c. Trial _____

d. Other Settlement Conference w/ the principals

on June 5, 2008 @

9:30 AM

By: /s/ Justin M. Swartz
Justin M. Swartz (JS-7989)

By: /s/ Jerrold Goldberg
Jerrold Goldberg (JG-7471)

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*Attorneys for Defendants Scores Holding
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Inc. aka Scores West Side*

Dated: 11/28/07

*Attorneys for Plaintiffs and the Putative
Class*

Dated: 11/28/07

Dated: New York, New York
11/29/07, 2007

SO ORDERED
RM/B

U.S.D.J.